

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 717**  
**97TH GENERAL ASSEMBLY**

1683H.02C

D. ADAM CRUMBLISS, Chief Clerk

---

**AN ACT**

To repeal sections 208.151, 210.110, 210.145, 210.152, 210.153, 210.278, 210.950, 211.036, 211.447, 453.010, 453.072, 488.607, 556.061, 558.026, 566.030, 566.032, 566.034, 566.060, 566.062, 566.064, 566.067, 566.068, 566.083, and 566.212, RSMo, and to enact in lieu thereof thirty-one new sections relating to children and families, with penalty provisions.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 208.151, 210.110, 210.145, 210.152, 210.153, 210.278, 210.950, 211.036, 211.447, 453.010, 453.072, 488.607, 556.061, 558.026, 566.030, 566.032, 566.034, 566.060, 566.062, 566.064, 566.067, 566.068, 566.083, and 566.212, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 1.250, 188.125, 208.021, 208.031, 208.032, 208.151, 208.662, 210.110, 210.145, 210.152, 210.153, 210.278, 210.950, 211.036, 211.447, 453.010, 453.072, 453.350, 488.607, 556.061, 558.026, 566.030, 566.032, 566.034, 566.060, 566.062, 566.064, 566.067, 566.068, 566.083, and 566.212, to read as follows:

**1.250. 1. (1) The liberty of a parent to direct the upbringing, education, and care of his or her child is a fundamental right.**

**(2) Neither the state of Missouri nor any political subdivision of this state shall infringe this right without demonstrating a compelling governmental interest. Any law or policy shall be narrowly tailored and by the least restrictive means to achieve such interest.**

**2. (1) This section applies to all laws of this state, and the implementation of such laws, whether statutory or otherwise, and whether adopted before or after the enactment of this section.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9           (2) Any statutory law enacted after the date of the enactment of this section is  
10 subject to this section unless such law explicitly excludes such application by reference to  
11 this section.

188.125. 1. It is the intent of the general assembly to acknowledge the rights of an  
2 alternatives-to-abortion agency and its officers, agents, employees, and volunteers to freely  
3 assemble and to freely engage in religious practices and speech without governmental  
4 interference, and that the constitutions and laws of the United States and the state of  
5 Missouri shall be interpreted, construed, applied, and enforced to fully protect such rights.

6           2. A political subdivision of this state is preempted from enacting, adopting,  
7 maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar  
8 measure that prohibits, restricts, limits, controls, directs, interferes with, or otherwise  
9 adversely affects an alternatives-to-abortion agency or its officers', agents', employees', or  
10 volunteers' assembly, religious practices, or speech, including but not limited to counseling,  
11 referrals, or education of, advertising or information to, or other communications with,  
12 clients, patients, other persons, or the public.

13           3. Nothing in this section shall preclude or preempt a political subdivision of this  
14 state from exercising its lawful authority to regulate zoning or land use or to enforce a  
15 building or fire code regulation, provided that such political subdivision treats an  
16 alternatives-to-abortion agency in the same manner as a similarly situated agency and that  
17 such authority is not used to circumvent the intent of this section.

18           4. In any action to enforce the provisions of this section, a court of competent  
19 jurisdiction may order injunctive relief, recovery of damages, or both, as well as payment  
20 of reasonable attorney's fees, costs, and expenses. The remedies set forth shall not be  
21 deemed exclusive and shall be in addition to any other remedies permitted by law.

22           5. As used in this section, "alternatives-to-abortion agency" means:

23           (1) A maternity home as defined in section 135.600;

24           (2) A pregnancy resource center as defined in section 135.630; or

25           (3) An agency or entity that has the primary purpose of providing services or  
26 counseling to pregnant women to assist such women in carrying their unborn children to  
27 term instead of having abortions, and to assist such women in caring for their dependent  
28 children or placing their children for adoption, as described in section 188.325.

208.021. 1. Pursuant to the option granted the state by 7 U.S.C. Section 2015(f):

2           (1) The income and financial resources of an individual who was rendered  
3 ineligible to participate in the supplemental nutrition assistance program prior to the  
4 Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended,  
5 due to such individual's immigration status and who remains ineligible to participate in the

6 supplemental nutrition assistance program due to such status shall be considered in  
7 determining the eligibility and the value of the allotment of the household of which such  
8 individual is a member as specified under the categories given to states in 7 CFR Part  
9 273.11(c)(3); and

10 (2) A pro rata share of the income and deductible expenses of an individual  
11 rendered ineligible to participate in the supplemental nutrition assistance program due to  
12 such individual's immigrant status shall be considered in determining the eligibility and  
13 the value of the allotment of the household of which such individual is a member as  
14 specified under the categories given to states in 7 CFR Part 273.11(c)(3).

15 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
16 created under the authority delegated in this section shall become effective only if it  
17 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
18 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
19 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
20 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
21 grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,  
22 shall be invalid and void.

208.031. 1. Electronic benefit transfer transactions made by each applicant or  
2 recipient who is otherwise eligible for temporary assistance for needy families (TANF)  
3 benefits under this chapter and who is found to have made a cash withdrawal at any  
4 casino, gambling casino, or gaming establishment shall, after an administrative hearing  
5 conducted by the department under the provisions of chapter 536, be declared ineligible  
6 for temporary assistance for needy families benefits for a period of three years from the  
7 date of the administrative hearing decision. For purposes of this section, "casino, gambling  
8 casino, or gaming establishment" does not include a grocery store which also offers, or is  
9 located within the same building or complex as, casino, gambling, or gaming activities.

10 2. If otherwise eligible, other members of a household that includes a person who  
11 has been declared ineligible for temporary assistance for needy families assistance shall  
12 continue to receive temporary assistance for needy families benefits as protective or vendor  
13 payments to a third-party payee for the benefit of the members of the household.

14 3. Any person who, in good faith, reports a suspected violation of this section by a  
15 TANF recipient shall not be held civilly or criminally liable for reporting such suspected  
16 violation.

17 4. The department of social services shall promulgate rules to implement the  
18 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
19 536.010, that is created under the authority delegated in this section shall become effective

20 only if it complies with and is subject to all of the provisions of chapter 536 and, if  
21 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
22 powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
23 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
24 then the grant of rulemaking authority and any rule proposed or adopted after August 28,  
25 2013, shall be invalid and void.

208.032. 1. In accordance with the Social Security Act, 42 U.S.C. Section  
2 608(a)(12), the department of social services shall implement and maintain policies and  
3 practices which prevent a temporary assistance for needy families (TANF) electronic  
4 benefit transfer transaction in:

- 5 (1) Any liquor store;
- 6 (2) Any casino, gambling casino, or gambling establishment; or
- 7 (3) Any retail establishment which provides adult-oriented entertainment in which  
8 performers disrobe or perform in an unclothed state for entertainment.

9 2. As used in this section, the term:

10 (1) "Casino, gambling casino, or gaming establishment" shall not include:

11 (a) A grocery store which sells groceries including staple foods and which also  
12 offers, or is located within the same building or complex as, casino, gambling, or gaming  
13 activities;

14 (b) "Electronic benefit transfer transaction" means the use of a credit or debit card  
15 service, automated teller machine, point-of-sale terminal, or access to an online system for  
16 the withdrawal of funds or the processing of a payment for merchandise or a service;

17 (c) "Liquor store" means any retail establishment which sells exclusively or  
18 primarily intoxicating liquor. Liquor store does not include a grocery store which sells  
19 both intoxicating liquor and groceries including staple foods within the meaning of Section  
20 3(r) of the Food and Nutrition Act of 2008, 7 U.S.C. Section 2012(r).

21 3. In accordance with 42 U.S.C. Section 602(a)(1)(A), the department of social  
22 services shall:

23 (1) Implement policies and procedures as necessary to prevent access to assistance  
24 provided under Missouri's TANF program through any electronic fund transaction at an  
25 automated teller machine or point-of-sale device located in a place described in subsections  
26 1 and 2 of this section, including a plan to ensure that recipients of the assistance have  
27 adequate access to their cash assistance; and

28 (2) Ensure that recipients of assistance provided under Missouri's TANF program  
29 have access to using or withdrawing assistance with minimal fees or charges, including an  
30 opportunity to access assistance with no fee or charges, and are provided information on

31 applicable fees and charges that apply to electronic fund transactions involving the  
32 assistance, and that such information is made publicly available.

33 4. On or before December 31, 2014, the department shall submit a report to the  
34 governor and the general assembly detailing the policies and practices implemented in  
35 accordance with the requirements of this section and 42 U.S.C. Section 608(a)(12). In  
36 addition, the department shall report Missouri's implementation of the policies and  
37 practices to the Secretary of Health and Human Services as required under 42 U.S.C.  
38 Section 609(a)(16) within two years of the enactment of such federal law.

208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO  
2 HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX,  
3 Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301,  
4 et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet  
5 benefits to the extent and in the manner hereinafter provided:

6 (1) All participants receiving state supplemental payments for the aged, blind and  
7 disabled;

8 (2) All participants receiving aid to families with dependent children benefits, including  
9 all persons under nineteen years of age who would be classified as dependent children except for  
10 the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible  
11 under this subdivision who are participating in drug court, as defined in section 478.001, shall  
12 have their eligibility automatically extended sixty days from the time their dependent child is  
13 removed from the custody of the participant, subject to approval of the Centers for Medicare and  
14 Medicaid Services;

15 (3) All participants receiving blind pension benefits;

16 (4) All persons who would be determined to be eligible for old age assistance benefits,  
17 permanent and total disability benefits, or aid to the blind benefits under the eligibility standards  
18 in effect December 31, 1973, or less restrictive standards as established by rule of the family  
19 support division, who are sixty-five years of age or over and are patients in state institutions for  
20 mental diseases or tuberculosis;

21 (5) All persons under the age of twenty-one years who would be eligible for aid to  
22 families with dependent children except for the requirements of subdivision (2) of subsection 1  
23 of section 208.040, and who are residing in an intermediate care facility, or receiving active  
24 treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as  
25 amended;

26 (6) All persons under the age of twenty-one years who would be eligible for aid to  
27 families with dependent children benefits except for the requirement of deprivation of parental  
28 support as provided for in subdivision (2) of subsection 1 of section 208.040;

29 (7) All persons eligible to receive nursing care benefits;

30 (8) All participants receiving family foster home or nonprofit private child-care  
31 institution care, subsidized adoption benefits and parental school care wherein state funds are  
32 used as partial or full payment for such care;

33 (9) All persons who were participants receiving old age assistance benefits, aid to the  
34 permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who  
35 continue to meet the eligibility requirements, except income, for these assistance categories, but  
36 who are no longer receiving such benefits because of the implementation of Title XVI of the  
37 federal Social Security Act, as amended;

38 (10) Pregnant women who meet the requirements for aid to families with dependent  
39 children, except for the existence of a dependent child in the home;

40 (11) Pregnant women who meet the requirements for aid to families with dependent  
41 children, except for the existence of a dependent child who is deprived of parental support as  
42 provided for in subdivision (2) of subsection 1 of section 208.040;

43 (12) Pregnant women or infants under one year of age, or both, whose family income  
44 does not exceed an income eligibility standard equal to one hundred eighty-five percent of the  
45 federal poverty level as established and amended by the federal Department of Health and  
46 Human Services, or its successor agency;

47 (13) Children who have attained one year of age but have not attained six years of age  
48 who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget  
49 Reconciliation Act of 1989). The family support division shall use an income eligibility standard  
50 equal to one hundred thirty-three percent of the federal poverty level established by the  
51 Department of Health and Human Services, or its successor agency;

52 (14) Children who have attained six years of age but have not attained nineteen years of  
53 age. For children who have attained six years of age but have not attained nineteen years of age,  
54 the family support division shall use an income assessment methodology which provides for  
55 eligibility when family income is equal to or less than equal to one hundred percent of the federal  
56 poverty level established by the Department of Health and Human Services, or its successor  
57 agency. As necessary to provide MO HealthNet coverage under this subdivision, the department  
58 of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C.  
59 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained  
60 nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using  
61 a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r)  
62 of 42 U.S.C. 1396a;

63 (15) The family support division shall not establish a resource eligibility standard in  
64 assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO

65 HealthNet division shall define the amount and scope of benefits which are available to  
66 individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in  
67 accordance with the requirements of federal law and regulations promulgated thereunder;

68 (16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal  
69 care shall be made available to pregnant women during a period of presumptive eligibility  
70 pursuant to 42 U.S.C. Section 1396r-1, as amended;

71 (17) A child born to a woman eligible for and receiving MO HealthNet benefits under  
72 this section on the date of the child's birth shall be deemed to have applied for MO HealthNet  
73 benefits and to have been found eligible for such assistance under such plan on the date of such  
74 birth and to remain eligible for such assistance for a period of time determined in accordance  
75 with applicable federal and state law and regulations so long as the child is a member of the  
76 woman's household and either the woman remains eligible for such assistance or for children  
77 born on or after January 1, 1991, the woman would remain eligible for such assistance if she  
78 were still pregnant. Upon notification of such child's birth, the family support division shall  
79 assign a MO HealthNet eligibility identification number to the child so that claims may be  
80 submitted and paid under such child's identification number;

81 (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to  
82 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO  
83 HealthNet benefits be required to apply for aid to families with dependent children. The family  
84 support division shall utilize an application for eligibility for such persons which eliminates  
85 information requirements other than those necessary to apply for MO HealthNet benefits. The  
86 division shall provide such application forms to applicants whose preliminary income  
87 information indicates that they are ineligible for aid to families with dependent children.  
88 Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection  
89 shall be informed of the aid to families with dependent children program and that they are  
90 entitled to apply for such benefits. Any forms utilized by the family support division for  
91 assessing eligibility under this chapter shall be as simple as practicable;

92 (19) Subject to appropriations necessary to recruit and train such staff, the family support  
93 division shall provide one or more full-time, permanent eligibility specialists to process  
94 applications for MO HealthNet benefits at the site of a health care provider, if the health care  
95 provider requests the placement of such eligibility specialists and reimburses the division for the  
96 expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and  
97 equipment of such eligibility specialists. The division may provide a health care provider with  
98 a part-time or temporary eligibility specialist at the site of a health care provider if the health care  
99 provider requests the placement of such an eligibility specialist and reimburses the division for  
100 the expenses, including but not limited to the salary, benefits, travel, training, telephone,

101 supplies, and equipment, of such an eligibility specialist. The division may seek to employ such  
102 eligibility specialists who are otherwise qualified for such positions and who are current or  
103 former welfare participants. The division may consider training such current or former welfare  
104 participants as eligibility specialists for this program;

105 (20) Pregnant women who are eligible for, have applied for and have received MO  
106 HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to  
107 be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided  
108 under section 208.152 until the end of the sixty-day period beginning on the last day of their  
109 pregnancy;

110 (21) Case management services for pregnant women and young children at risk shall be  
111 a covered service. To the greatest extent possible, and in compliance with federal law and  
112 regulations, the department of health and senior services shall provide case management services  
113 to pregnant women by contract or agreement with the department of social services through local  
114 health departments organized under the provisions of chapter 192 or chapter 205 or a city health  
115 department operated under a city charter or a combined city-county health department or other  
116 department of health and senior services designees. To the greatest extent possible the  
117 department of social services and the department of health and senior services shall mutually  
118 coordinate all services for pregnant women and children with the crippled children's program,  
119 the prevention of intellectual disability and developmental disability program and the prenatal  
120 care program administered by the department of health and senior services. The department of  
121 social services shall by regulation establish the methodology for reimbursement for case  
122 management services provided by the department of health and senior services. For purposes  
123 of this section, the term "case management" shall mean those activities of local public health  
124 personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in  
125 the state's MO HealthNet program, refer them to local physicians or local health departments  
126 who provide prenatal care under physician protocol and who participate in the MO HealthNet  
127 program for prenatal care and to ensure that said high-risk mothers receive support from all  
128 private and public programs for which they are eligible and shall not include involvement in any  
129 MO HealthNet prepaid, case-managed programs;

130 (22) By January 1, 1988, the department of social services and the department of health  
131 and senior services shall study all significant aspects of presumptive eligibility for pregnant  
132 women and submit a joint report on the subject, including projected costs and the time needed  
133 for implementation, to the general assembly. The department of social services, at the direction  
134 of the general assembly, may implement presumptive eligibility by regulation promulgated  
135 pursuant to chapter 207;



(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) Persons who are [independent foster care adolescents, as defined in 42 U.S.C. Section 1396d, or who are within reasonable categories of such adolescents who are under twenty-one years of age as specified by the state, are eligible for coverage under 42 U.S.C. Section 1396a (a)(10)(A)(ii)(XVII) without regard to income or assets] **in foster care under the responsibility of the state of Missouri on the date such persons attain the age of eighteen years, without regard to income or assets, are eligible for coverage if such persons:**

**(a) Are under twenty-six years of age;**

**(b) Are not eligible for coverage under another mandatory coverage group; and**

**(c) Were covered by Medicaid while they were in such foster care.**

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064 and chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become

effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(1)(1) and (2) or the

208 payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and  
209 1396a(bb) unless such waiver application is approved by the oversight committee created in  
210 section 208.955. A request for such a waiver so submitted shall only become effective by  
211 executive order not sooner than ninety days after the final adjournment of the session of the  
212 general assembly to which it is submitted, unless it is disapproved within sixty days of its  
213 submission to a regular session by a senate or house resolution adopted by a majority vote of the  
214 respective elected members thereof, unless the request for such a waiver is made subject to  
215 appropriation or directed by statute.

216 6. Notwithstanding any other provision of law to the contrary, in any given fiscal year,  
217 any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of  
218 subsection 1 of this section shall only be eligible if annual appropriations are made for such  
219 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section  
220 1396a(a)(10)(A)(i).

**208.662. 1. There is hereby established within the department of social services the  
2 "Show-Me Healthy Babies Program" as a separate children's health insurance program  
3 (CHIP) for low-income unborn children. The program shall be established under the  
4 authority of Title XXI of the federal Social Security Act, the State Children's Health  
5 Insurance Program, as amended, and 42 CFR 457.10.**

6 **2. In order for the unborn child to be enrolled in the show-me healthy babies  
7 program, his or her mother shall not be eligible for coverage under Title XIX of the federal  
8 Social Security Act, the Medicaid program, as it is administered by the state, and shall not  
9 have access to affordable employer-subsidized health care insurance or other affordable  
10 health care coverage that includes coverage for the unborn child. In addition, the unborn  
11 child shall be in a family with income eligibility of no more than three hundred percent of  
12 the federal poverty level, or the comparable modified adjusted gross income, unless the  
13 income eligibility is set lower by the general assembly through appropriations. In  
14 calculating family size as it relates to income eligibility, the family shall include, in addition  
15 to other family members, the unborn child, or in the case of a mother with a multiple  
16 pregnancy, all unborn children.**

17 **3. Coverage for an unborn child enrolled in the show-me healthy babies program  
18 shall include all prenatal care and pregnancy-related services that benefit the health of the  
19 unborn child and that promote healthy labor, delivery, and birth. Coverage shall not  
20 include services that are solely for the benefit of the pregnant mother, that are unrelated  
21 to maintaining or promoting a healthy pregnancy, and that provide no benefit to the  
22 unborn child.**

23           **4. There shall be no waiting period before an unborn child may be enrolled in the**  
24 **show-me healthy babies program. In accordance with the definition of child in 42 CFR**  
25 **Section 457.10, coverage shall include the period from conception to birth. The**  
26 **department shall develop a presumptive eligibility procedure for enrolling an unborn child.**

27           **5. Coverage for the child shall continue for up to one year after birth, unless**  
28 **otherwise prohibited by law or unless otherwise limited by the general assembly through**  
29 **appropriations. The general assembly may set nonarbitrary conditions on such postbirth**  
30 **coverage for the child based on factors which include, but are not limited to, age, income**  
31 **eligibility, geography, race, ethnicity, morbidity, mortality, birth weight, and disability.**

32           **6. Pregnancy-related and postpartum coverage for the mother shall begin on the**  
33 **day the pregnancy ends through the last day of the month that includes the sixtieth day**  
34 **after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited**  
35 **by the general assembly through appropriations. The general assembly may set**  
36 **nonarbitrary conditions on such pregnancy-related and postpartum coverage for the**  
37 **mother based on factors which include, but are not limited to, age, income eligibility,**  
38 **geography, race, ethnicity, morbidity, mortality, birth weight, and disability. Coverage for**  
39 **the mother shall be limited to pregnancy-related and postpartum care.**

40           **7. Nothing in this section shall be construed to prohibit an unborn child from being**  
41 **enrolled in the show-me healthy babies program at the same time his or her mother is**  
42 **enrolled in MO HealthNet, the Children's Health Insurance Program (CHIP), Medicare,**  
43 **or other health care program. The department shall ensure that there is no duplication of**  
44 **payments for services for an unborn child enrolled in the show-me healthy babies program**  
45 **that are payable under a governmental or nongovernmental health care program for**  
46 **services to an eligible pregnant woman.**

47           **8. The department may provide coverage for an unborn child enrolled in the show-**  
48 **me healthy babies program through:**

49           **(1) Direct coverage whereby the state pays health careproviders directly or by**  
50 **contracting with a managed care organization or with a group or individual health**  
51 **insurance provider;**

52           **(2) A premium assistance program whereby the state assists in payment of the**  
53 **premiums, co-payments, coinsurance, or deductibles for a person who is eligible for health**  
54 **coverage through an employer, former employer, labor union, credit union, church,**  
55 **spouse, other organizations, other individuals, or through an individual health insurance**  
56 **policy that includes coverage for the unborn child, but such person needs assistance in**  
57 **paying such premiums, co-payments, coinsurance or deductibles;**

58           (3) A combination of direct coverage, such as when the unborn child is first  
59 enrolled, and premium assistance, such as when the unborn child is older or after birth;  
60 or

61           (4) Any other similar arrangement whereby there:

62           (a) Are lower program costs without sacrificing health care coverage for the  
63 unborn child or the child up to one year after birth;

64           (b) Are greater covered services for the unborn child or the child up to one year  
65 after birth;

66           (c) Is also coverage for siblings or other family members; or

67           (d) Will be an ability for the child to more easily transition to nongovernment or  
68 less government-subsidized group or individual health insurance coverage after the child  
69 is no longer enrolled in the show-me healthy babies program.

70           9. The department shall provide information about the show-me healthy babies  
71 program to maternity homes as defined in section 135.600, pregnancy resource centers as  
72 defined in section 135.630, and other similar agencies and programs in the state that assist  
73 unborn children and their mothers. The department shall consider including such agencies  
74 and programs as places that may assist in unborn children being enrolled in the program  
75 and in making determinations about presumptive eligibility.

76           10. Within sixty days after the effective date of this section, the department shall  
77 submit a state plan amendment to the United States Department of Health and Human  
78 Services requesting approval for the show-me healthy babies program.

79           11. At least annually, the department shall prepare and submit a report to the  
80 governor, the speaker of the house of representatives, and the president pro tem of the  
81 senate analyzing the cost savings and benefits, if any, to the state, counties, local  
82 communities, school districts, law enforcement, health care providers, employers and other  
83 public and private entities and persons by enrolling unborn children in the show-me  
84 healthy babies program. The analysis of cost savings and benefits, if any, shall include but  
85 not be limited to:

86           (1) The higher federal matching rate for having an unborn child enrolled in the  
87 show-me healthy babies program versus the lower federal matching rate for a pregnant  
88 woman being enrolled in MO HealthNet or other federal programs;

89           (2) The efficacy in providing services through managed care organizations, group  
90 or individual health insurance providers or premium assistance, or through other  
91 nontraditional arrangements of providing health care;

92           (3) The increase in the proportion of unborn children who receive care in the first  
93 trimester of pregnancy because of no waiting periods, presumptive eligibility, or removal

94 of other barriers, and the attendant decrease in health problems and other problems for  
95 the unborn child and the child's mother throughout pregnancy; at labor, delivery, and  
96 birth; and during infancy and childhood;

97 (4) The increase in abstaining by the unborn child's mother from alcohol, binge  
98 drinking, tobacco use, illicit drug use, or other harmful behaviors, and the attendant short-  
99 term and long- term decrease in treating birth defects; poor motor skills; vision, speech  
100 and hearing problems; breathing and respiratory problems; feeding and digestive  
101 problems; and other physical, mental, educational and behavioral problems; and

102 (5) The decrease in preterm births and low birth weight babies and the attendant  
103 decrease in short-term and long-term medical and other interventions.

104 12. The show-me healthy babies program shall not be deemed an entitlement  
105 program, but instead shall be subject to a federal allotment or other federal appropriations  
106 and matching state appropriations.

107 13. Nothing in this section shall be construed as obligating the state to continue the  
108 show-me healthy babies program if the allotment or payments from the federal  
109 government end or are not sufficient for the program to operate, or if the general assembly  
110 does not appropriate funds for the program.

111 14. Nothing in this section shall be construed as expanding MO HealthNet or  
112 fulfilling a mandate imposed by the federal government on the state.

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the  
2 following terms mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child  
4 other than by accidental means by those responsible for the child's care, custody, and control,  
5 except that discipline including spanking, administered in a reasonable manner, shall not be  
6 construed to be abuse;

7 (2) "Assessment and treatment services for children under ten years old", an approach  
8 to be developed by the children's division which will recognize and treat the specific needs of  
9 at-risk and abused or neglected children under the age of ten. The developmental and medical  
10 assessment may be a broad physical, developmental, and mental health screening to be  
11 completed within thirty days of a child's entry into custody and every six months thereafter as  
12 long as the child remains in care. Screenings may be offered at a centralized location and  
13 include, at a minimum, the following:

14 (a) Complete physical to be performed by a pediatrician familiar with the effects of abuse  
15 and neglect on young children;

16 (b) Developmental, behavioral, and emotional screening in addition to early periodic  
17 screening, diagnosis, and treatment services, including a core set of standardized and recognized

18 instruments as well as interviews with the child and appropriate caregivers. The screening  
19 battery may be performed by a licensed mental health professional familiar with the effects of  
20 abuse and neglect on young children, who will then serve as the liaison between all service  
21 providers in ensuring that needed services are provided. Such treatment services may include  
22 in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family  
23 counseling, parenting training and other best practices.

24

25 Children whose screenings indicate an area of concern may complete a comprehensive, in-depth  
26 health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

27 (3) "Central registry", a registry of persons where the division has found probable cause  
28 to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004,  
29 or a court has substantiated through court adjudication that the individual has committed child  
30 abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to  
31 section 565.020, 565.021, 565.023, 565.024 or 565.050 if the victim is a child less than eighteen  
32 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,  
33 or other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and  
34 the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less  
35 than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or  
36 568.090, section 573.025 or 573.035, or an attempt to commit any such crimes. Any persons  
37 placed on the registry [prior to August 28, 2004,] shall remain on the registry for the duration of  
38 time required by section 210.152;

39 (4) "Child", any person, regardless of physical or mental condition, under eighteen years  
40 of age;

41 (5) "Children's services providers and agencies", any public, quasi-public, or private  
42 entity with the appropriate and relevant training and expertise in delivering services to children  
43 and their families as determined by the children's division, and capable of providing direct  
44 services and other family services for children in the custody of the children's division or any  
45 such entities or agencies that are receiving state moneys for such services;

46 (6) "Director", the director of the Missouri children's division within the department of  
47 social services;

48 (7) "Division", the Missouri children's division within the department of social services;

49 (8) "Family assessment and services", an approach to be developed by the children's  
50 division which will provide for a prompt assessment of a child who has been reported to the  
51 division as a victim of abuse or neglect by a person responsible for that child's care, custody or  
52 control and of that child's family, including risk of abuse and neglect and, if necessary, the  
53 provision of community-based services to reduce the risk and support the family;

54 (9) "Family support team meeting" or "team meeting", a meeting convened by the  
55 division or children's services provider in behalf of the family and/or child for the purpose of  
56 determining service and treatment needs, determining the need for placement and developing a  
57 plan for reunification or other permanency options, determining the appropriate placement of the  
58 child, evaluating case progress, and establishing and revising the case plan;

59 (10) "Investigation", the collection of physical and verbal evidence to determine if a  
60 child has been abused or neglected;

61 (11) "Jail or detention center personnel", employees and volunteers working in any  
62 premises or institution where incarceration, evaluation, care, treatment or rehabilitation is  
63 provided to persons who are being held under custody of the law;

64 (12) "Neglect", failure to provide, by those responsible for the care, custody, and control  
65 of the child, the proper or necessary support, education as required by law, nutrition or medical,  
66 surgical, or any other care necessary for the child's well-being;

67 (13) "Preponderance of the evidence", that degree of evidence that is of greater weight  
68 or more convincing than the evidence which is offered in opposition to it or evidence which as  
69 a whole shows the fact to be proved to be more probable than not;

70 (14) "Probable cause", available facts when viewed in the light of surrounding  
71 circumstances which would cause a reasonable person to believe a child was abused or  
72 neglected;

73 (15) "Report", the communication of an allegation of child abuse or neglect to the  
74 division pursuant to section 210.115;

75 (16) "Those responsible for the care, custody, and control of the child", those included  
76 but not limited to the parents or guardian of a child, other members of the child's household, or  
77 those exercising supervision over a child for any part of a twenty-four-hour day. Those  
78 responsible for the care, custody and control shall also include any adult who, based on  
79 relationship to the parents of the child, members of the child's household or the family, has  
80 access to the child.

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or  
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with  
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and  
8 maintaining reports. This information system shall have the ability to receive reports over a



9 single, statewide toll-free number. Such information system shall maintain the results of all  
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification  
12 purposes of all child abuse and neglect reports **consistent with the classification tiers of severe,**  
13 **moderate, or mild risk established in subsection 1 of section 210.152 for identifying**  
14 **information contained in the central registry under section 210.152.** The protocols  
15 developed by the division shall give priority to ensuring the well-being and safety of the child.  
16 All child abuse and neglect reports shall be initiated within twenty-four hours and shall be  
17 classified based upon the reported risk and injury to the child. The division shall promulgate  
18 rules regarding the structured decision-making protocols to be utilized for all child abuse and  
19 neglect reports.

20 3. Upon receipt of a report, the division shall determine if the report merits investigation,  
21 including reports which if true would constitute a suspected violation of any of the following:  
22 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen  
23 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,  
24 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the  
25 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than  
26 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or  
27 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such  
28 crimes. The division shall immediately communicate all reports that merit investigation to its  
29 appropriate local office and any relevant information as may be contained in the information  
30 system. The local division staff shall determine, through the use of protocols developed by the  
31 division, whether an investigation or the family assessment and services approach should be used  
32 to respond to the allegation. The protocols developed by the division shall give priority to  
33 ensuring the well-being and safety of the child.

34 4. When the child abuse and neglect hotline receives three or more calls, within a  
35 seventy-two hour period, from one or more individuals concerning the same child, the division  
36 shall conduct a review to determine whether the calls meet the criteria and statutory definition  
37 for a child abuse and neglect report to be accepted. In conducting the review, the division shall  
38 contact the hotline caller or callers in order to collect information to determine whether the calls  
39 meet the criteria for harassment.

40 5. The local office shall contact the appropriate law enforcement agency immediately  
41 upon receipt of a report which division personnel determine merits an investigation and provide  
42 such agency with a detailed description of the report received. In such cases the local division  
43 office shall request the assistance of the local law enforcement agency in all aspects of the  
44 investigation of the complaint. The appropriate law enforcement agency shall either assist the

45 division in the investigation or provide the division, within twenty-four hours, an explanation  
46 in writing detailing the reasons why it is unable to assist.

47         6. The local office of the division shall cause an investigation or family assessment and  
48 services approach to be initiated in accordance with the protocols established in subsection 2 of  
49 this section, except in cases where the sole basis for the report is educational neglect. If the  
50 report indicates that educational neglect is the only complaint and there is no suspicion of other  
51 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the  
52 report. If the report indicates the child is in danger of serious physical harm or threat to life, an  
53 investigation shall include direct observation of the subject child within twenty-four hours of the  
54 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct  
55 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's  
56 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the  
57 child are not the alleged abusers, a parent of the child must be notified prior to the child being  
58 interviewed by the division. No person responding to or investigating a child abuse and neglect  
59 report shall call prior to a home visit or leave any documentation of any attempted visit, such as  
60 business cards, pamphlets, or other similar identifying information if he or she has a reasonable  
61 basis to believe the following factors are present:

- 62         (1) (a) No person is present in the home at the time of the home visit; and  
63         (b) The alleged perpetrator resides in the home or the physical safety of the child may  
64 be compromised if the alleged perpetrator becomes aware of the attempted visit;  
65         (2) The alleged perpetrator will be alerted regarding the attempted visit; or  
66         (3) The family has a history of domestic violence or fleeing the community.

67

68 If the alleged perpetrator is present during a visit by the person responding to or investigating the  
69 report, such person shall provide written material to the alleged perpetrator informing him or her  
70 of his or her rights regarding such visit, including but not limited to the right to contact an  
71 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written  
72 material or have such material read to him or her by the case worker before the visit commences,  
73 but in no event shall such time exceed five minutes; except that, such requirement to provide  
74 written material and reasonable time to read such material shall not apply in cases where the  
75 child faces an immediate threat or danger, or the person responding to investigating the report  
76 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in  
77 a school or child care facility the division shall not meet with the child in any school building  
78 or child-care facility building where abuse of such child is alleged to have occurred. When the  
79 child is reported absent from the residence, the location and the well-being of the child shall be

80 verified. For purposes of this subsection, child care facility shall have the same meaning as such  
81 term is defined in section 210.201.

82         7. The director of the division shall name at least one chief investigator for each local  
83 division office, who shall direct the division response on any case involving a second or  
84 subsequent incident regarding the same subject child or perpetrator. The duties of a chief  
85 investigator shall include verification of direct observation of the subject child by the division  
86 and shall ensure information regarding the status of an investigation is provided to the public  
87 school district liaison. The public school district liaison shall develop protocol in conjunction  
88 with the chief investigator to ensure information regarding an investigation is shared with  
89 appropriate school personnel. The superintendent of each school district shall designate a  
90 specific person or persons to act as the public school district liaison. Should the subject child  
91 attend a nonpublic school the chief investigator shall notify the school principal of the  
92 investigation. Upon notification of an investigation, all information received by the public  
93 school district liaison or the school shall be subject to the provisions of the federal Family  
94 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34  
95 CFR, Part 99.

96         8. The investigation shall include but not be limited to the nature, extent, and cause of  
97 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the  
98 names and conditions of other children in the home, if any; the home environment and the  
99 relationship of the subject child to the parents or other persons responsible for the child's care;  
100 any indication of incidents of physical violence against any other household or family member;  
101 and other pertinent data.

102         9. When a report has been made by a person required to report under section 210.115,  
103 the division shall contact the person who made such report within forty-eight hours of the receipt  
104 of the report in order to ensure that full information has been received and to obtain any  
105 additional information or medical records, or both, that may be pertinent.

106         10. Upon completion of the investigation, if the division suspects that the report was  
107 made maliciously or for the purpose of harassment, the division shall refer the report and any  
108 evidence of malice or harassment to the local prosecuting or circuit attorney.

109         11. Multidisciplinary teams shall be used whenever conducting the investigation as  
110 determined by the division in conjunction with local law enforcement. Multidisciplinary teams  
111 shall be used in providing protective or preventive social services, including the services of law  
112 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and  
113 other agencies, both public and private.

114         12. For all family support team meetings involving an alleged victim of child abuse or  
115 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian

of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

13. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

14. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

15. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the **classification of risk and injury under subsection 2 of this section and subsection 1 of section 210.152**, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child, and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If a child involved in a pending investigation dies, the investigation shall remain open until the division's investigation surrounding the death is completed. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any **changes in classification under subsection 2 of this section or subsection 1 of section 210.152, or any** subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

16. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

17. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

18. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

185 (1) Nothing in this subsection shall prohibit the introduction of evidence from  
186 independent sources to support the allegations that may have caused a report to have been made;  
187 and

188 (2) The court may on its own motion, or shall if requested by a party to the proceeding,  
189 make an inquiry not on the record with the children's division to determine if such a report has  
190 been made.

191

192 If a report has been made, the court may stay the custody proceeding until the children's division  
193 completes its investigation.

194 19. In any judicial proceeding involving the custody of a child where the court  
195 determines that the child is in need of services under paragraph (d) of subdivision (1) of  
196 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or  
197 custodian shall not be entered into the registry.

198 20. The children's division is hereby granted the authority to promulgate rules and  
199 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the  
200 provisions of sections 210.109 to 210.183.

201 21. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
202 created under the authority delegated in this section shall become effective only if it complies  
203 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
204 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
205 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
206 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
207 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. 1. **No later than January 1, 2014**, all identifying information, including  
2 telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect  
3 received by the division shall be **classified into one of the following tiers based on level of risk**  
4 **of future injury to the child:**

5 (1) **Tier one: severe risk of future harm to the child. Such classification shall**  
6 **include all cases in which the underlying child abuse or neglect results in adjudication**  
7 **involving any of the offenses listed in subsection 3 of section 210.145 or an adjudication by**  
8 **a juvenile court based on evidence that would constitute such an offense, or a finding that**  
9 **reasonable efforts to prevent removal of the child and reunification of the family is not**  
10 **required under subsection 7 of section 211.183. The department may promulgate rules to**  
11 **establish standards for this classification;**

12 (2) **Tier two: moderate risk of future harm to the child. Such classification shall**  
13 **be limited to cases in which children are removed due to abuse or neglect and the children**

14 **remain in foster care for more than ninety days. The department may promulgate rules**  
15 **to establish the standards for this classification; or**

16 **(3) Tier three: mild risk of future harm to the child. Such classification shall**  
17 **include all other cases, including but not limited to cases in which:**

18 **(a) No court action is filed against the offending party; or**

19 **(b) A court action is filed but does not result in an adjudication; or**

20 **(c) Within ninety days of removal, the child is reunified with his or her family or**  
21 **caretaker who was found responsible for maltreatment.**

22 **2. The identifying information described in subsection 1 of this section shall be**  
23 **retained by the division and removed from the records of the division as follows:**

24 **(1) For investigation reports contained in the central registry[, identifying information**  
25 **shall be retained by the division] :**

26 **(a) All tier one reports shall be placed on the registry for life and shall not be**  
27 **subject to expungement;**

28 **(b) All tier two reports shall be placed on the registry for five years, unless the**  
29 **individual is found to have committed another act of child abuse or neglect in such five-**  
30 **year period, in which case the report shall be classified as a tier one report. Any tier two**  
31 **report shall be eligible for expungement at the expiration of such five-year period; and**

32 **(c) All tier three reports shall be placed on the registry for two years and shall**  
33 **automatically be expunged at the end of such two-year period; except that, a person shall**  
34 **be placed back on the registry for any subsequent acts of abuse or neglect such person is**  
35 **found to have committed;**

36 **(2) (a) For investigation reports initiated against a person required to report pursuant to**  
37 **section 210.115, where insufficient evidence of abuse or neglect is found by the division and**  
38 **where the division determines the allegation of abuse or neglect was made maliciously, for**  
39 **purposes of harassment or in retaliation for the filing of a report by a person required to report,**  
40 **identifying information shall be expunged by the division within forty-five days from the**  
41 **conclusion of the investigation;**

42 **(b) For investigation reports, where insufficient evidence of abuse or neglect is found**  
43 **by the division and where the division determines the allegation of abuse or neglect was made**  
44 **maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying**  
45 **information shall be expunged by the division within forty-five days from the conclusion of the**  
46 **investigation;**

47 **(c) For investigation reports initiated by a person required to report under section**  
48 **210.115, where insufficient evidence of abuse or neglect is found by the division, identifying**  
49 **information shall be retained for five years from the conclusion of the investigation. For all other**

50 investigation reports where insufficient evidence of abuse or neglect is found by the division,  
51 identifying information shall be retained for two years from the conclusion of the investigation.  
52 Such reports shall include any exculpatory evidence known by the division, including  
53 exculpatory evidence obtained after the closing of the case. At the end of such time period, the  
54 identifying information shall **automatically** be removed from the records of the division and  
55 destroyed;

56 (3) For reports where the division uses the family assessment and services approach,  
57 identifying information shall be retained by the division **in accordance with the provisions of**  
58 **this subsection;**

59 (4) For reports in which the division is unable to locate the child alleged to have been  
60 abused or neglected, identifying information shall be retained for ten years from the date of the  
61 report and then shall be removed from the records of the division.

62 [2.] 3. Within ninety days after receipt of a report of abuse or neglect that is investigated,  
63 the alleged perpetrator named in the report and the parents of the child named in the report, if the  
64 alleged perpetrator is not a parent, shall be notified in writing of any determination made by the  
65 division based on the investigation. The notice shall advise either:

66 (1) That the division has determined by a probable cause finding prior to August 28,  
67 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists,  
68 **the classification of the report under subsection 2 of section 210.145 or subsection 1 of this**  
69 **section,** and that the division shall retain all identifying information regarding the abuse or  
70 neglect **for the duration of time specified in subsection 1 of this section;** that such information  
71 shall remain confidential and will not be released except to law enforcement agencies,  
72 prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator  
73 has sixty days from the date of receipt of the notice to seek reversal of the division's  
74 determination through a review by the child abuse and neglect review board as provided in  
75 subsection 4 of this section; or

76 (2) That the division has not made a probable cause finding or determined by a  
77 preponderance of the evidence that abuse or neglect exists.

78 [3.] 4. The children's division may reopen a case for review at the request of the alleged  
79 perpetrator, the alleged victim, or the office of the child advocate if new, specific, and credible  
80 evidence is obtained that the division's decision was based on fraud or misrepresentation of  
81 material facts relevant to the division's decision and there is credible evidence that absent such  
82 fraud or misrepresentation the division's decision would have been different. If the alleged  
83 victim is under the age of eighteen, the request for review may be made by the alleged victim's  
84 parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall  
85 be made within a reasonable time and not more than one year after the children's division made



86 its decision. The division shall not reopen a case for review based on any information which the  
87 person requesting the review knew, should have known, or could by the exercise of reasonable  
88 care have known before the date of the division's final decision in the case, unless the person  
89 requesting the review shows by a preponderance of the evidence that he or she could not have  
90 provided such information to the division before the date of the division's final decision in the  
91 case. Any person, other than the office of the child advocate, who makes a request to reopen a  
92 case for review based on facts which the person knows to be false or misleading or who acts in  
93 bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity  
94 from any liability, civil or criminal, for providing the information and requesting that the division  
95 reopen the investigation. Any person who makes a request to reopen an investigation based on  
96 facts which the person knows to be false shall be guilty of a class A misdemeanor. The  
97 children's division shall not reopen an investigation under any circumstances while the case is  
98 pending before a court of this state nor when a court has entered a final judgment after de novo  
99 judicial review pursuant to this section.

100 [4.] 5. Any person named in an investigation as a perpetrator who is aggrieved by a  
101 determination of abuse or neglect by the division as provided in this section may seek an  
102 administrative review by the child abuse and neglect review board pursuant to the provisions of  
103 section 210.153. Such request for review shall be made within sixty days of notification of the  
104 division's decision under this section. In those cases where criminal charges arising out of facts  
105 of the investigation are pending, the request for review shall be made within sixty days from the  
106 court's final disposition or dismissal of the charges.

107 [5.] 6. In any such action for administrative review, the child abuse and neglect review  
108 board shall sustain the division's determination if such determination was supported by evidence  
109 of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence  
110 after August 28, 2004, and is not against the weight of such evidence. The child abuse and  
111 neglect review board hearing shall be closed to all persons except the parties, their attorneys and  
112 those persons providing testimony on behalf of the parties.

113 [6.] 7. If the alleged perpetrator is aggrieved by the decision of the child abuse and  
114 neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit  
115 court in the county in which the alleged perpetrator resides and in circuits with split venue, in  
116 the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator  
117 is not a resident of the state, proper venue shall be in Cole County. The case may be assigned  
118 to the family court division where such a division has been established. The request for a  
119 judicial review shall be made within sixty days of notification of the decision of the child abuse  
120 and neglect review board decision. In reviewing such decisions, the circuit court shall provide  
121 the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator

may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

[7.] 8. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

9. (1) Individuals placed on the child abuse and neglect registry may petition the child abuse and neglect review board for expungement of all identifying information from the registry based on such individual's classification under subsection 1 of this section.

(2) A petition for expungement under this subsection shall state good cause for removal, which shall include, but not be limited to:

(a) Proof of rehabilitation;

(b) Acceptance of personal responsibility for placement on the registry;

(c) A bona fide need for removal from the registry; and

(d) At least two letters supporting the petition from responsible persons of good moral character.

(3) The child abuse and neglect review board shall grant a petition if the petitioner has satisfied the criteria in subdivision (2) of this subsection and the board determines that the petitioner poses no significant risk to children or other vulnerable populations.

(4) Any individual aggrieved by the decision of the child abuse and neglect review board may seek de novo judicial review of such decision or refile such petition for expungement with the board within two years after the final denial of such petition.

(5) When the board grants an expungement under this subsection, the department shall maintain a sealed record of the underlying report and investigation of child abuse or neglect. Such record shall be available only to child protection investigators or law enforcement officials who need access to such record as part of an open investigation related to an allegation of child abuse or neglect.

210.153. 1. There is hereby created in the department of social services the "Child Abuse and Neglect Review Board", which shall provide an independent review of child abuse and neglect determinations in instances in which the alleged perpetrator is aggrieved by the decision of the children's division **and determine all expungement petitions under subsection 9 of section 210.152.** The division may establish more than one board to assure timely review of the determination **and expungement petitions.**

2. The board shall consist of nine members, who shall be appointed by the governor with the advice and consent of the senate, and shall include:

(1) A physician, nurse or other medical professional;

(2) A licensed child or family psychologist, counselor or social worker;

- 11           (3) An attorney who has acted as a guardian ad litem or other attorney who has  
12 represented a subject of a child abuse and neglect report;
- 13           (4) A representative from law enforcement or a juvenile office.
- 14           3. Other members of the board may be selected from:
- 15           (1) A person from another profession or field who has an interest in child abuse or  
16 neglect;
- 17           (2) A college or university professor or elementary or secondary teacher;
- 18           (3) A child advocate;
- 19           (4) A parent, foster parent or grandparent.
- 20           4. The following persons may participate in a child abuse and neglect review board  
21 review:
- 22           (1) Appropriate children's division staff and legal counsel for the department;
- 23           (2) The alleged perpetrator, who may be represented pro se or be represented by legal  
24 counsel. The alleged perpetrator's presence is not required for the review to be conducted. The  
25 alleged perpetrator may submit a written statement for the board's consideration in lieu of  
26 personal appearance; and
- 27           (3) Witnesses providing information on behalf of the child, the alleged perpetrator or the  
28 department. Witnesses shall only be allowed to attend that portion of the review in which they  
29 are presenting information.
- 30           5. The members of the board shall serve without compensation, but shall receive  
31 reimbursement for reasonable and necessary expenses actually incurred in the performance of  
32 their duties.
- 33           6. All records and information compiled, obtained, prepared or maintained by the child  
34 abuse and neglect review board in the course of any review shall be confidential information.
- 35           7. The department shall promulgate rules and regulations governing the operation of the  
36 child abuse and neglect review board except as otherwise provided for in this section. These  
37 rules and regulations shall, at a minimum, describe the length of terms, the selection of the  
38 chairperson, confidentiality, notification of parties and time frames for the completion of the  
39 review.
- 40           8. Findings of probable cause to suspect prior to August 28, 2004, or findings by a  
41 preponderance of the evidence after August 28, 2004, of child abuse and neglect by the division  
42 which are substantiated by court adjudication shall not be heard by the child abuse and neglect  
43 review board.

210.278. Neighborhood youth development programs shall be exempt from the child  
2 care licensing provisions under this chapter so long as the program meets the following  
3 requirements:

- 4 (1) The program is affiliated and in good standing with [a] **either:**  
5 (a) A national congressionally chartered organization's standards under Title 36, Public  
6 Law 105-225; or  
7 (b) **A nationally federated organization's purposes, procedures, voluntary**  
8 **standards, and mandatory requirements that provide research-based curricula, delivered**  
9 **by trained professionals in a positive all-female environment;**  
10 (2) The program provides activities designed for recreational, educational, and character  
11 building purposes for children six to seventeen years of age;  
12 (3) The governing body of the program adopts standards for care that at a minimum  
13 include staff ratios, staff training, health and safety standards, and mechanisms for assessing and  
14 enforcing the program's compliance with the standards;  
15 (4) The program does not collect compensation for its services except for one-time  
16 annual membership dues not to exceed fifty dollars per year or program service fees for special  
17 activities such as field trips or sports leagues, except for current exemptions as written in section  
18 210.211;  
19 (5) The program informs each parent that the operation of the program is not regulated  
20 by licensing requirements;  
21 (6) The program provides a process to receive and resolve parental complaints; and  
22 (7) The program conducts national criminal background checks for all employees and  
23 volunteers who work with children, as well as screening under the family care safety registry as  
24 provided in sections 210.900 to 210.936.

210.950. 1. This section shall be known and may be cited as the "Safe Place for  
2 Newborns Act of 2002". The purpose of this section is to protect newborn children from injury  
3 and death caused by abandonment by a parent, and to provide safe and secure alternatives to such  
4 abandonment.

5 2. As used in this section, the following terms mean:

- 6 (1) "Hospital", as defined in section 197.020;  
7 (2) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant  
8 with any person listed in subsection 3 of this section in accordance with this section;  
9 (3) "Relinquishing parent", the biological parent or person acting on such parent's behalf  
10 who leaves a newborn infant with any person listed in subsection 3 of this section in accordance  
11 with this section;  
12 (4) **"Maternity home", the same meaning as such term is defined in section 135.600;**  
13 (5) **"Pregnancy resource center", the same meaning as such term is defined in**  
14 **section 135.630.**

15           3. A parent shall not be prosecuted for a violation of section 568.030, 568.032, 568.045  
16 or 568.050 for actions related to the voluntary relinquishment of a child up to [five] **forty-five**  
17 days old pursuant to this section [and it shall be an affirmative defense to prosecution for a  
18 violation of sections 568.030, 568.032, 568.045 and 568.050 that a parent who is a defendant  
19 voluntarily relinquished a child no more than one year old pursuant to this section] if:

20           (1) Expressing intent not to return for the child, the parent voluntarily delivered the child  
21 safely to the physical custody of any of the following persons:

22           (a) An employee, agent, or member of the staff of any hospital, **maternity home, or**  
23 **pregnancy resource center**, in a health care provider position or on duty in a nonmedical paid  
24 or volunteer position;

25           (b) A firefighter or emergency medical technician on duty in a paid position or on duty  
26 in a volunteer position; or

27           (c) A law enforcement officer;

28           (2) The child was no more than [one year] **forty-five days** old when delivered by the  
29 parent to any person listed in subdivision (1) of this subsection; and

30           (3) The child has not been abused or neglected by the parent prior to such voluntary  
31 delivery.

32           4. **A parent voluntarily relinquishing a child under this section shall not be**  
33 **required to provide any identifying information about the child or the parent. No person**  
34 **shall induce or coerce, or attempt to induce or coerce, a parent into revealing his or her**  
35 **identity. No officer, employee, or agent of this state or any political subdivision of this state**  
36 **shall attempt to locate or determine the identity of such parent. In addition, any person**  
37 **who obtains information on the relinquishing parent shall not disclose such information**  
38 **except to the following:**

39           (1) **A birth parent who has waived anonymity or the child's adoptive parent;**

40           (2) **The staff of the department of health and senior services, the department of**  
41 **social services, or any county health or social services agency or licensed child welfare**  
42 **agency that provides services to the child;**

43           (3) **A person performing juvenile court intake or dispositional services;**

44           (4) **The attending physician;**

45           (5) **The child's foster parent or any other person who has physical custody of the**  
46 **child;**

47           (6) **A juvenile court or other court of competent jurisdiction conducting proceedings**  
48 **relating to the child;**

49           (7) **The attorney representing the interests of the public in proceedings relating to**  
50 **the child; and**

51           **(8) The attorney representing the interests of the child.**

52           **5.** A person listed in subdivision (1) of subsection 3 of this section shall, without a court  
53 order, take physical custody of a child the person reasonably believes to be no more than [one  
54 year] **forty-five days** old and is delivered in accordance with this section by a person purporting  
55 to be the child's parent. If delivery of a newborn is made pursuant to this section in any place  
56 other than a hospital, the person taking physical custody of the child shall arrange for the  
57 immediate transportation of the child to the nearest hospital licensed pursuant to chapter 197.

58           **[5.] 6.** The hospital, its employees, agents and medical staff shall perform treatment in  
59 accordance with the prevailing standard of care as necessary to protect the physical health or  
60 safety of the child. The hospital shall notify the **children's** division [of family services] and the  
61 local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer  
62 shall immediately begin protective custody proceedings and request the child be made a ward  
63 of the court during the child's stay in the medical facility. Upon discharge of the child from the  
64 medical facility and pursuant to a protective custody order ordering custody of the child to the  
65 division, the **children's** division [of family services] shall take physical custody of the child.  
66 The parent's voluntary delivery of the child in accordance with this section shall constitute the  
67 parent's implied consent to any such act and a voluntary relinquishment of such parent's parental  
68 rights.

69           **[6.] 7.** In any termination of parental rights proceeding initiated after the relinquishment  
70 of a child pursuant to this section, the juvenile officer shall make public notice that a child has  
71 been relinquished, including the sex of the child, and the date and location of such  
72 relinquishment. Within thirty days of such public notice, the [nonrelinquishing] parent wishing  
73 to establish parental rights shall identify himself or herself to the court and state his or her  
74 intentions regarding the child. The court shall initiate proceedings to establish paternity, or if  
75 no person identifies himself as the father within thirty days, maternity. The juvenile officer shall  
76 make examination of the putative father registry established in section 192.016 to determine  
77 whether attempts have previously been made to preserve parental rights to the child. If such  
78 attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of  
79 the abandonment of the child to such putative father.

80           **[7.] 8. (1)** If a relinquishing parent of a child relinquishes custody of the child to any  
81 person listed in subsection 3 of this section in accordance with this section and to preserve the  
82 parental rights of the nonrelinquishing parent, the nonrelinquishing parent shall take such steps  
83 necessary to establish parentage within thirty days after the public notice or specific notice  
84 provided in subsection [6] 7 of this section.

85 (2) If [a nonrelinquishing] **either** parent fails to take steps to establish parentage within  
86 the thirty-day period specified in subdivision (1) of this subsection, [the nonrelinquishing] **either**  
87 parent may have all of his or her rights terminated with respect to the child.

88 (3) When [a nonrelinquishing] **either** parent inquires at a hospital regarding a child  
89 whose custody was relinquished pursuant to this section, such facility shall refer [the  
90 nonrelinquishing] **such** parent to the **children's** division [of family services] and the juvenile  
91 court exercising jurisdiction over the child.

92 [8.] **9.** The persons listed in subdivision (1) of subsection 3 of this section shall be  
93 immune from civil, criminal, and administrative liability for accepting physical custody of a child  
94 pursuant to this section if such persons accept custody in good faith. Such immunity shall not  
95 extend to any acts or omissions, including negligent or intentional acts or omissions, occurring  
96 after the acceptance of such child.

97 [9.] **10.** The **children's** division [of family services] shall:

98 (1) Provide information and answer questions about the process established by this  
99 section on the statewide, toll-free telephone number maintained pursuant to section 210.145;

100 (2) Provide information to the public by way of pamphlets, brochures, or by other ways  
101 to deliver information about the process established by this section.

102 **11. It shall be an affirmative defense to prosecution for a violation of sections**  
103 **568.030, 568.032, 568.045, and 568.050 that a parent who is a defendant voluntarily**  
104 **relinquished a child no more than one year old under this section.**

105 [10.] **12.** Nothing in this section shall be construed as conflicting with section 210.125.

211.036. If a [child] **youth** under the age of [eighteen] **twenty-one** is released from the  
2 custody of the **children's** division [of family services] and after such release it appears that it  
3 would be in such [child's] **youth's** best interest to have his **or her** custody returned to the  
4 **children's** division [of family services], the juvenile officer, the **children's** division [of family  
5 services] or the [child] **youth** may petition the court to return custody of such [child] **youth** to  
6 the division until the child is [eighteen] **twenty-one** years of age.

211.447. 1. Any information that could justify the filing of a petition to terminate  
2 parental rights may be referred to the juvenile officer by any person. The juvenile officer shall  
3 make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should  
4 be filed, such officer shall so notify the informant in writing within thirty days of the referral.  
5 Such notification shall include the reasons that the petition will not be filed. Thereupon, the  
6 informant may bring the matter directly to the attention of the judge of the juvenile court by  
7 presenting the information in writing, and if it appears to the judge that the information could  
8 justify the filing of a petition, the judge may order the juvenile officer to take further action,  
9 including making a further preliminary inquiry or filing a petition.

10           2. Except as provided for in subsection 4 of this section, a petition to terminate the  
11 parental rights of the child's parent or parents shall be filed by the juvenile officer or the division,  
12 or if such a petition has been filed by another party, the juvenile officer or the division shall seek  
13 to be joined as a party to the petition, when:

14           (1) Information available to the juvenile officer or the division establishes that the child  
15 has been in foster care for at least fifteen of the most recent twenty-two months; or

16           (2) A court of competent jurisdiction has determined the child to be an abandoned infant.  
17 For purposes of this subdivision, an "infant" means any child one year of age or under at the time  
18 of filing of the petition. The court may find that an infant has been abandoned if:

19           (a) The parent has left the child under circumstances that the identity of the child was  
20 unknown and could not be ascertained, despite diligent searching, and the parent has not come  
21 forward to claim the child; or

22           (b) The parent has, without good cause, left the child without any provision for parental  
23 support and without making arrangements to visit or communicate with the child, although able  
24 to do so;

25           **(c) The parent has voluntarily relinquished a child under section 210.950; or**

26           (3) A court of competent jurisdiction has determined that the parent has:

27           (a) Committed murder of another child of the parent; or

28           (b) Committed voluntary manslaughter of another child of the parent; or

29           (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or  
30 voluntary manslaughter; or

31           (d) Committed a felony assault that resulted in serious bodily injury to the child or to  
32 another child of the parent.

33           3. A termination of parental rights petition shall be filed by the juvenile officer or the  
34 division, or if such a petition has been filed by another party, the juvenile officer or the division  
35 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations  
36 required in subsection 2 of this section, except as provided in subsection 4 of this section.  
37 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate  
38 a petition for termination of parental rights which is filed outside of sixty days.

39           4. If grounds exist for termination of parental rights pursuant to subsection 2 of this  
40 section, the juvenile officer or the division may, but is not required to, file a petition to terminate  
41 the parental rights of the child's parent or parents if:

42           (1) The child is being cared for by a relative; or

43           (2) There exists a compelling reason for determining that filing such a petition would  
44 not be in the best interest of the child, as documented in the permanency plan which shall be  
45 made available for court review; or



46 (3) The family of the child has not been provided such services as provided for in section  
47 211.183.

48 5. The juvenile officer or the division may file a petition to terminate the parental rights  
49 of the child's parent when it appears that one or more of the following grounds for termination  
50 exist:

51 (1) The child has been abandoned. For purposes of this subdivision a "child" means any  
52 child over one year of age at the time of filing of the petition. The court shall find that the child  
53 has been abandoned if, for a period of six months or longer:

54 (a) The parent has left the child under such circumstances that the identity of the child  
55 was unknown and could not be ascertained, despite diligent searching, and the parent has not  
56 come forward to claim the child; or

57 (b) The parent has, without good cause, left the child without any provision for parental  
58 support and without making arrangements to visit or communicate with the child, although able  
59 to do so;

60 (2) The child has been abused or neglected. In determining whether to terminate parental  
61 rights pursuant to this subdivision, the court shall consider and make findings on the following  
62 conditions or acts of the parent:

63 (a) A mental condition which is shown by competent evidence either to be permanent  
64 or such that there is no reasonable likelihood that the condition can be reversed and which  
65 renders the parent unable to knowingly provide the child the necessary care, custody and control;

66 (b) Chemical dependency which prevents the parent from consistently providing the  
67 necessary care, custody and control of the child and which cannot be treated so as to enable the  
68 parent to consistently provide such care, custody and control;

69 (c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child  
70 or any child in the family by the parent, including an act of incest, or by another under  
71 circumstances that indicate that the parent knew or should have known that such acts were being  
72 committed toward the child or any child in the family; or

73 (d) Repeated or continuous failure by the parent, although physically or financially able,  
74 to provide the child with adequate food, clothing, shelter, or education as defined by law, or other  
75 care and control necessary for the child's physical, mental, or emotional health and development.

76

77 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability  
78 or disease;

79 (3) The child has been under the jurisdiction of the juvenile court for a period of one  
80 year, and the court finds that the conditions which led to the assumption of jurisdiction still  
81 persist, or conditions of a potentially harmful nature continue to exist, that there is little

82 likelihood that those conditions will be remedied at an early date so that the child can be returned  
83 to the parent in the near future, or the continuation of the parent-child relationship greatly  
84 diminishes the child's prospects for early integration into a stable and permanent home. In  
85 determining whether to terminate parental rights under this subdivision, the court shall consider  
86 and make findings on the following:

87 (a) The terms of a social service plan entered into by the parent and the division and the  
88 extent to which the parties have made progress in complying with those terms;

89 (b) The success or failure of the efforts of the juvenile officer, the division or other  
90 agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to  
91 provide a proper home for the child;

92 (c) A mental condition which is shown by competent evidence either to be permanent  
93 or such that there is no reasonable likelihood that the condition can be reversed and which  
94 renders the parent unable to knowingly provide the child the necessary care, custody and control;

95 (d) Chemical dependency which prevents the parent from consistently providing the  
96 necessary care, custody and control over the child and which cannot be treated so as to enable  
97 the parent to consistently provide such care, custody and control; or

98 (4) The parent has been found guilty or pled guilty to a felony violation of chapter 566  
99 when the child or any child in the family was a victim, or a violation of section 568.020 when  
100 the child or any child in the family was a victim. As used in this subdivision, a "child" means  
101 any person who was under eighteen years of age at the time of the crime and who resided with  
102 such parent or was related within the third degree of consanguinity or affinity to such parent; or

103 (5) The child was conceived and born as a result of an act of forcible rape. When the  
104 biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such  
105 a plea or conviction shall be conclusive evidence supporting the termination of the biological  
106 father's parental rights; or

107 (6) The parent is unfit to be a party to the parent and child relationship because of a  
108 consistent pattern of committing a specific abuse, including but not limited to abuses as defined  
109 in section 455.010, child abuse or drug abuse before the child or of specific conditions directly  
110 relating to the parent and child relationship either of which are determined by the court to be of  
111 a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care  
112 appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed  
113 that a parent is unfit to be a party to the parent-child relationship upon a showing that within a  
114 three-year period immediately prior to the termination adjudication, the parent's parental rights  
115 to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this  
116 section [or] , subdivisions (1), (2), (3) or (4) of [subsection 5 of this section] **this subsection**, or  
117 similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

453.010. 1. Any person desiring to adopt another person as his or her child shall petition the juvenile division of the circuit court of the county in which:

(1) The person seeking to adopt resides;

4 (2) The child sought to be adopted was born;

5 (3) The child [is located at the time of] **has resided for at least ninety days prior to the**  
6 filing of the **adoption** petition; or

7 (4) Either birth person resides.

8 2. A petition to adopt shall not be dismissed or denied on the grounds that the petitioner  
9 is not domiciled or does not reside in any of the venues set forth in subdivision (2), (3) or (4) of  
10 subsection 1 of this section.

11 3. If the person sought to be adopted is a child who is under the prior and continuing  
12 jurisdiction of a court pursuant to the provision of chapter 211, any person desiring to adopt such  
13 person as his or her child shall petition the juvenile division of the circuit court which has  
14 jurisdiction over the child for permission to adopt such person as his or her child. Upon receipt  
15 of a motion from the petitioner and consent of the receiving court, the juvenile division of the  
16 circuit court which has jurisdiction over the child may transfer jurisdiction to the juvenile  
17 division of a circuit court within any of the alternative venues set forth in subsection 1 of this  
18 section.

19 4. If the petitioner has a spouse living and competent to join in the petition, such spouse  
20 may join therein, and in such case the adoption shall be by them jointly. If such a spouse does  
21 not join the petition the court in its discretion may, after a hearing, order such joinder, and if such  
22 order is not complied with may dismiss the petition.

23 5. Upon receipt of a properly filed petition, a court, as defined in this section, shall hear  
24 such petition in a timely fashion. A court or any child-placing agency shall not deny or delay the  
25 placement of a child for adoption when an approved family is available, regardless of the  
26 approved family's residence or domicile. The court shall expedite the placement of a child for  
27 adoption pursuant to subsection 3 of this section.

28 6. A licensed child-placing agency may file a petition for transfer of custody if a birth  
29 parent consents in writing by power of attorney for placement of a minor child, a consent to  
30 adoption, or any other document which evidences a desire to place the child with the licensed  
31 child-placing agency for the purposes of transfer of custody of the child to the licensed  
32 child-placing agency. The written consent obtained from the birth parent shall strictly comply  
33 with section 453.030.

453.072. 1. Any subsidies available to adoptive parents pursuant to section 453.073 and  
2 section 453.074 shall also be available to a qualified relative of a child who is granted legal  
3 guardianship of the child in the same manner as such subsidies are available for adoptive parents.  
4 As used in this section "relative" means any grandparent, **great grandparent**, aunt, **great aunt**,  
5 uncle, **great uncle**, adult sibling of the child [or] , adult [first] cousin of the child, **or any fictive**  
6 **kin.**

7           **2. For purposes of this section, "fictive kin" means any individual, whether related**  
8 **or unrelated by birth or marriage, who is shown to have close personal or emotional ties**  
9 **with the child or the child's family prior to the child's placement with such individual.**

**453.350. 1. Beginning July 1, 2014, all Missouri foster children fifteen years of age**  
2 **or older shall receive a visit to a Missouri state university or a Missouri state community**  
3 **or technical college in the foster child's area before the foster child may be adopted or**  
4 **otherwise terminated by foster care unless waived by the family support team. Such visit**  
5 **shall be in addition to any other services that older youth are usually provided and shall**  
6 **include the entry application process, financial support application and availability, career**  
7 **options with academic or technical training, a tour of the school, and other information**  
8 **and experience desired.**

9           **2. Beginning July 1, 2014, all youth fifteen years of age or older in the division of**  
10 **youth services program shall receive a visit to a Missouri state university or a Missouri**  
11 **state community or technical college in the youth's area before the youth's custody or**  
12 **training is completed unless waived by the family support team. Such visit shall be in**  
13 **addition to any other services that older youth are usually provided and shall include the**  
14 **entry application process, financial support application and availability, career options**  
15 **with academic or technical training, a tour of the school, and other information and**  
16 **experience desired.**

17           **3. Agencies defined in subsection 2 of section 210.112 that are providing foster care**  
18 **case management services for foster children can document and, if requested, shall receive**  
19 **from the Missouri department of social services reimbursement for costs associated with**  
20 **meeting the requirements of this section.**

          488.607. The governing body of any county or any city having a shelter for victims of  
2 domestic violence established pursuant to sections 455.200 to 455.230, or any municipality  
3 within a county which has such shelter, or any county or municipality whose residents are  
4 victims of domestic violence and are admitted to such shelters in another county, may, by order  
5 or ordinance provide for an additional surcharge in the amount of [two] **four** dollars per case for  
6 each criminal case, including violations of any county or municipal ordinance. No surcharge  
7 shall be collected in any proceeding when the proceeding or defendant has been dismissed by the  
8 court or when costs are to be paid by the state, county or municipality. Such surcharges collected  
9 by municipal clerks in municipalities electing or required to have violations of municipal  
10 ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial  
11 personnel pursuant to section 479.060, shall be disbursed to the city at least monthly, and such  
12 surcharges collected by circuit court clerks shall be collected and disbursed as provided by  
13 sections 488.010 to 488.020. Such fees shall be payable to the city or county wherein such fees

14 originated. The county or city shall use such moneys only for the purpose of providing operating  
15 expenses for shelters for battered persons as defined in sections 455.200 to 455.230.

2 556.061. In this code, unless the context requires a different definition, the following  
2 shall apply:

3 (1) "Affirmative defense" has the meaning specified in section 556.056;

4 (2) "Burden of injecting the issue" has the meaning specified in section 556.051;

5 (3) "Commercial film and photographic print processor", any person who develops  
6 exposed photographic film into negatives, slides or prints, or who makes prints from negatives  
7 or slides, for compensation. The term commercial film and photographic print processor shall  
8 include all employees of such persons but shall not include a person who develops film or makes  
9 prints for a public agency;

10 (4) "Confinement":

11 (a) A person is in confinement when such person is held in a place of confinement  
12 pursuant to arrest or order of a court, and remains in confinement until:

13 a. A court orders the person's release; or

14 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

15 c. A public servant having the legal power and duty to confine the person authorizes his  
16 release without guard and without condition that he return to confinement;

17 (b) A person is not in confinement if:

18 a. The person is on probation or parole, temporary or otherwise; or

19 b. The person is under sentence to serve a term of confinement which is not continuous,  
20 or is serving a sentence under a work-release program, and in either such case is not being held  
21 in a place of confinement or is not being held under guard by a person having the legal power  
22 and duty to transport the person to or from a place of confinement;

23 (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not  
24 constitute consent if:

25 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged  
26 to constitute the offense and such mental incapacity is manifest or known to the actor; or

27 (b) It is given by a person who by reason of youth, mental disease or defect, or  
28 intoxication, is manifestly unable or known by the actor to be unable to make a reasonable  
29 judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

30 (c) It is induced by force, duress or deception;

31 (6) "Criminal negligence" has the meaning specified in section 562.016;

32 (7) "Custody", a person is in custody when the person has been arrested but has not been  
33 delivered to a place of confinement;

34 (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first  
35 degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical  
36 injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault  
37 of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse  
38 in the first degree, robbery in the first degree, statutory rape in the first degree [when the victim  
39 is a child less than twelve years of age at the time of the commission of the act giving rise to the  
40 offense], statutory sodomy in the first degree [when the victim is a child less than twelve years  
41 of age at the time of the commission of the act giving rise to the offense], and, abuse of a child  
42 pursuant to subdivision (2) of subsection 3 of section 568.060, child kidnapping, and parental  
43 kidnapping committed by detaining or concealing the whereabouts of the child for not less than  
44 one hundred twenty days under section 565.153;

45 (9) "Dangerous instrument" means any instrument, article or substance, which, under the  
46 circumstances in which it is used, is readily capable of causing death or other serious physical  
47 injury;

48 (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from  
49 which a shot, readily capable of producing death or serious physical injury, may be discharged,  
50 or a switchblade knife, dagger, billy, blackjack or metal knuckles;

51 (11) "Felony" has the meaning specified in section 556.016;

52 (12) "Forcible compulsion" means either:

53 (a) Physical force that overcomes reasonable resistance; or

54 (b) A threat, express or implied, that places a person in reasonable fear of death, serious  
55 physical injury or kidnapping of such person or another person;

56 (13) "Incapacitated" means that physical or mental condition, temporary or permanent,  
57 in which a person is unconscious, unable to appraise the nature of such person's conduct, or  
58 unable to communicate unwillingness to an act. A person is not incapacitated with respect to an  
59 act committed upon such person if he or she became unconscious, unable to appraise the nature  
60 of such person's conduct or unable to communicate unwillingness to an act, after consenting to  
61 the act;

62 (14) "Infraction" has the meaning specified in section 556.021;

63 (15) "Inhabitable structure" has the meaning specified in section 569.010;

64 (16) "Knowingly" has the meaning specified in section 562.016;

65 (17) "Law enforcement officer" means any public servant having both the power and  
66 duty to make arrests for violations of the laws of this state, and federal law enforcement officers  
67 authorized to carry firearms and to make arrests for violations of the laws of the United States;

68 (18) "Misdemeanor" has the meaning specified in section 556.016;

69 (19) "Offense" means any felony, misdemeanor or infraction;

70 (20) "Physical injury" means physical pain, illness, or any impairment of physical  
71 condition;

72 (21) "Place of confinement" means any building or facility and the grounds thereof  
73 wherein a court is legally authorized to order that a person charged with or convicted of a crime  
74 be held;

75 (22) "Possess" or "possessed" means having actual or constructive possession of an  
76 object with knowledge of its presence. A person has actual possession if such person has the  
77 object on his or her person or within easy reach and convenient control. A person has  
78 constructive possession if such person has the power and the intention at a given time to exercise  
79 dominion or control over the object either directly or through another person or persons.  
80 Possession may also be sole or joint. If one person alone has possession of an object, possession  
81 is sole. If two or more persons share possession of an object, possession is joint;

82 (23) "Public servant" means any person employed in any way by a government of this  
83 state who is compensated by the government by reason of such person's employment, any person  
84 appointed to a position with any government of this state, or any person elected to a position with  
85 any government of this state. It includes, but is not limited to, legislators, jurors, members of the  
86 judiciary and law enforcement officers. It does not include witnesses;

87 (24) "Purposely" has the meaning specified in section 562.016;

88 (25) "Recklessly" has the meaning specified in section 562.016;

89 (26) "Ritual" or "ceremony" means an act or series of acts performed by two or more  
90 persons as part of an established or prescribed pattern of activity;

91 (27) "Serious emotional injury", an injury that creates a substantial risk of temporary or  
92 permanent medical or psychological damage, manifested by impairment of a behavioral,  
93 cognitive or physical condition. Serious emotional injury shall be established by testimony of  
94 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of  
95 medical or psychological certainty;

96 (28) "Serious physical injury" means physical injury that creates a substantial risk of  
97 death or that causes serious disfigurement or protracted loss or impairment of the function of any  
98 part of the body;

99 (29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse;  
100 sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area,  
101 buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

102 (30) "Sexual contact" means any touching of the genitals or anus of any person, or the  
103 breast of any female person, or any such touching through the clothing, for the purpose of  
104 arousing or gratifying sexual desire of any person;



105 (31) "Sexual performance", any performance, or part thereof, which includes sexual  
106 conduct by a child who is less than seventeen years of age;

107 (32) "Voluntary act" has the meaning specified in section 562.011.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court  
2 specifies that they shall run consecutively; except that, in the case of multiple sentences of  
3 imprisonment imposed for the felony of rape, forcible rape, sodomy, forcible sodomy, **statutory**  
4 **rape in the first degree**, or an attempt to commit any of the aforesaid, and for other offenses  
5 committed during or at the same time as that rape, forcible rape, sodomy, forcible sodomy,  
6 **statutory rape in the first degree**, or an attempt to commit any of the aforesaid, the sentences  
7 of imprisonment imposed for the other offenses may run concurrently, but the sentence of  
8 imprisonment imposed for the felony of rape, forcible rape, sodomy, forcible sodomy, **statutory**  
9 **rape in the first degree**, or an attempt to commit any of the aforesaid shall run consecutively  
10 to the other sentences.

11 2. If a person who is on probation, parole or conditional release is sentenced to a term  
12 of imprisonment for an offense committed after the granting of probation or parole or after the  
13 start of his conditional release term, the court shall direct the manner in which the sentence or  
14 sentences imposed by the court shall run with respect to any resulting probation, parole or  
15 conditional release revocation term or terms. If the subsequent sentence to imprisonment is in  
16 another jurisdiction, the court shall specify how any resulting probation, parole or conditional  
17 release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

18 3. A court may cause any sentence it imposes to run concurrently with a sentence an  
19 individual is serving or is to serve in another state or in a federal correctional center. If the  
20 Missouri sentence is served in another state or in a federal correctional center, subsection 4 of  
21 section 558.011 and section 217.690 shall apply as if the individual were serving his sentence  
22 within the department of corrections of the state of Missouri, except that a personal hearing  
23 before the board of probation and parole shall not be required for parole consideration.

566.030. 1. A person commits the crime of forcible rape if such person has sexual  
2 intercourse with another person by the use of forcible compulsion. Forcible compulsion includes  
3 the use of a substance administered without a victim's knowledge or consent which renders the  
4 victim physically or mentally impaired so as to be incapable of making an informed consent to  
5 sexual intercourse.

6 2. Forcible rape or an attempt to commit forcible rape is a felony for which the  
7 authorized term of imprisonment is life imprisonment or a term of years not less than five years,  
8 unless:

9 (1) In the course thereof the actor inflicts serious physical injury or displays a deadly  
10 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual

11 intercourse or deviate sexual intercourse with more than one person **or the victim is a child and**  
12 **the actor has pled guilty to or has been convicted of the crime of incest against the victim**  
13 **under section 568.020**, in which case the authorized term of imprisonment is life imprisonment  
14 or a term of years not less than fifteen years;

15 (2) The victim is a child less than twelve years of age, in which case the required term  
16 of imprisonment is life imprisonment without eligibility for probation or parole until the  
17 defendant has served not less than thirty years of such sentence or unless the defendant has  
18 reached the age of seventy-five years and has served at least fifteen years of such sentence, unless  
19 such forcible rape is described under subdivision (3) of this subsection; or

20 (3) The victim is a child less than twelve years of age and such forcible rape was  
21 outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of  
22 mind, in which case the required term of imprisonment is life imprisonment without eligibility  
23 for probation, parole or conditional release.

24 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has  
25 pleaded guilty to or has been found guilty of forcible rape when the victim is under the age of  
26 twelve, and "life imprisonment" shall mean imprisonment for the duration of a person's natural  
27 life for the purposes of this section.

28 4. No person found guilty of or pleading guilty to forcible rape or an attempt to commit  
29 forcible rape shall be granted a suspended imposition of sentence or suspended execution of  
30 sentence.

566.032. 1. A person commits the crime of statutory rape in the first degree if he has  
2 sexual intercourse with another person who is less than fourteen years old.

3 2. Statutory rape in the first degree or an attempt to commit statutory rape in the first  
4 degree is a felony for which the authorized term of imprisonment is life imprisonment or a term  
5 of years not less than five years, unless in the course thereof the actor inflicts serious physical  
6 injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner,  
7 subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person,  
8 **the actor has pled guilty to or has been convicted of the crime of incest against the victim**  
9 **under section 568.020**, or the victim is less than twelve years of age in which case the  
10 authorized term of imprisonment is life imprisonment or a term of years not less than ten years.

566.034. 1. A person commits the crime of statutory rape in the second degree if being  
2 twenty-one years of age or older, he has sexual intercourse with another person who is less than  
3 seventeen years of age.

4 2. Statutory rape in the second degree is a class C felony **unless the actor has pled**  
5 **guilty to or has been convicted of the crime of incest against the victim under section**  
6 **568.020, in which case the crime is a class B felony.**

566.060. 1. A person commits the crime of forcible sodomy if such person has deviate sexual intercourse with another person by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. Forcible sodomy or an attempt to commit forcible sodomy is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person **or the victim is a child and the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than thirty years of such sentence or unless the defendant has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such forcible sodomy is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such forcible sodomy was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has pleaded guilty to or has been found guilty of forcible sodomy when the victim is under the age of twelve, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of or pleading guilty to forcible sodomy or an attempt to commit forcible sodomy shall be granted a suspended imposition of sentence or suspended execution of sentence.

566.062. 1. A person commits the crime of statutory sodomy in the first degree if he has deviate sexual intercourse with another person who is less than fourteen years old.

2. Statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening

7 manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than  
8 one person, **the actor has pled guilty to or has been convicted of the crime of incest against**  
9 **the victim under section 568.020**, or the victim is less than twelve years of age, in which case  
10 the authorized term of imprisonment is life imprisonment or a term of years not less than ten  
11 years.

566.064. 1. A person commits the crime of statutory sodomy in the second degree if  
2 being twenty-one years of age or older, he has deviate sexual intercourse with another person  
3 who is less than seventeen years of age.

4 2. Statutory sodomy in the second degree is a class C felony **unless the actor has pled**  
5 **guilty to or has been convicted of the crime of incest against the victim under section**  
6 **568.020, in which case the crime is a class B felony.**

566.067. 1. A person commits the crime of child molestation in the first degree if he or  
2 she subjects another person who is less than fourteen years of age to sexual contact.

3 2. Child molestation in the first degree is a class B felony unless:

4 (1) The actor has previously been convicted of an offense under this chapter or in the  
5 course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly  
6 instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony,  
7 in which case the crime is a class A felony; [or]

8 (2) The victim is a child less than twelve years of age and:

9 (a) The actor has previously been convicted of an offense under this chapter; or

10 (b) In the course thereof the actor inflicts serious physical injury, displays a deadly  
11 weapon or deadly instrument in a threatening manner, or if the offense is committed as part of  
12 a ritual or ceremony, in which case, the crime is a class A felony and such person shall serve his  
13 or her term of imprisonment without eligibility for probation or parole[.] ; or

14 **(3) The actor has pled guilty to or has been convicted of the crime of incest against**  
15 **the victim under section 568.020, in which case the crime is a class A felony.**

566.068. 1. A person commits the crime of child molestation in the second degree if he  
2 or she subjects another person who is less than seventeen years of age to sexual contact.

3 2. Child molestation in the second degree is a class A misdemeanor unless the actor has  
4 previously been convicted of an offense under this chapter or in the course thereof the actor  
5 inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument  
6 in a threatening manner, **the actor has pled guilty to or has been convicted of the crime of**  
7 **incest against the victim under section 568.020**, or the offense is committed as part of a ritual  
8 or ceremony, in which case the crime is a class D felony.

566.083. 1. A person commits the crime of sexual misconduct involving a child if such  
2 person:

3 (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under  
4 circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm  
5 to the child;

6 (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the  
7 purpose of arousing or gratifying the sexual desire of any person, including the child;

8 (3) Knowingly coerces or induces a child less than fifteen years of age to expose the  
9 child's genitals for the purpose of arousing or gratifying the sexual desire of any person,  
10 including the child; or

11 (4) Knowingly coerces or induces a child who is known by such person to be less than  
12 fifteen years of age to expose the breasts of a female child through the internet or other electronic  
13 means for the purpose of arousing or gratifying the sexual desire of any person, including the  
14 child.

15 2. The provisions of this section shall apply regardless of whether the person violates this  
16 section in person or via the internet or other electronic means.

17 3. It is not an affirmative defense to prosecution for a violation of this section that the  
18 other person was a peace officer masquerading as a minor.

19 4. Sexual misconduct involving a child or attempted sexual misconduct involving a child  
20 is a class D felony unless the actor has previously pleaded guilty to or been found guilty of an  
21 offense pursuant to this chapter, **the actor has pled guilty to or has been convicted of the**  
22 **crime of incest against the victim under section 568.020**, or the actor has previously pleaded  
23 guilty to or has been convicted of an offense against the laws of another state or jurisdiction  
24 which would constitute an offense under this chapter, in which case it is a class C felony.

566.212. 1. A person commits the crime of sexual trafficking of a child if the individual  
2 knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including  
4 but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or  
5 causing or threatening to cause financial harm, a person under the age of eighteen to participate  
6 in a commercial sex act, a sexual performance, or the production of explicit sexual material as  
7 defined in section 573.010, or benefits, financially or by receiving anything of value, from  
8 participation in such activities; or

9 (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual  
10 performance, or the production of explicit sexual material as defined in section 573.010.

11 2. It shall not be a defense that the defendant believed that the person was eighteen years  
12 of age or older.

13 3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of  
14 years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars

15 if the child is under the age of eighteen. If a violation of this section was effected by force,  
16 abduction, or coercion, **or the actor has pled guilty to or has been convicted of the crime of**  
17 **incest against the victim under section 568.020**, the crime of sexual trafficking of a child shall  
18 be a felony for which the authorized term of imprisonment is life imprisonment without  
19 eligibility for probation or parole until the defendant has served not less than twenty-five years  
20 of such sentence.

✓